

**FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, MARCH 2, 2004**

House of Representatives

The House convened at 10 a.m., Mr. Denney in the Chair.

Roll call showed 68 members present.

Absent and excused -- Moyle, Mr. Speaker. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Brittany Zabransky, Page.

Approval of Journal

March 2, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fiftieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 1, 2004

Mr. Speaker:

I transmit herewith **SCR 130, SCR 131, S 1318, S 1303, S 1304, S 1385, S 1386, S 1387, S 1311, S 1274, S 1288, S 1344, S 1331, S 1345, S 1333, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, and S 1403** which have passed the Senate.

WOOD, Secretary

SCR 130, SCR 131, S 1318, S 1303, S 1304, S 1385, S 1386, S 1387, S 1311, S 1274, S 1288, S 1344, S 1331, S 1345, S 1333, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, and S 1403 were filed for first reading.

March 1, 2004

Mr. Speaker:

I return herewith **HCR 43** which has passed the Senate.

WOOD, Secretary

HCR 43 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 2, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION report that we have printed **HCR 54, HJM 22, H 789, H 790, H 791, H 792, H 793, H 794, H 795, H 796, H 797, and H 798**.

FIELD(18), Chairman

H 796 was referred to the Judiciary, Rules, and Administration Committee.

H 797 and **H 798** were referred to the State Affairs Committee.

HCR 54, HJM 22, H 789, H 790, H 791, H 792, H 793, H 794, and H 795 were filed for second reading.

March 2, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 53**.

FIELD(18), Chairman

The Speaker Pro Tem announced that enrolled **HCR 53** would be signed by the Speaker, and when so signed, ordered it transmitted to the Senate for the signature of the President.

March 1, 2004

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 738, H 745, S 1295, and S 1296** and recommend that they do pass.

STEVENSON, Chairman

H 738, H 745, S 1295, and S 1296 were filed for second reading.

March 1, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1244, S 1245, S 1246, S 1248, S 1249, S 1250, and S 1251** and recommend that they do pass.

FIELD(18), Chairman

S 1244, S 1245, S 1246, S 1248, S 1249, S 1250 and S 1251 were filed for second reading.

March 2, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **HJM 21, H 778, and S 1306** and recommend that they do pass.

DEAL, Chairman

HJM 21, H 778, and S 1306 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 130 and **SCR 131**, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 799
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-3029B, IDAHO CODE, RELATING TO THE ELECTION FOR A PROPERTY TAX EXEMPTION IN LIEU OF THE INVESTMENT TAX CREDIT, TO CLARIFY THE ELECTION IS AVAILABLE FOR QUALIFIED PROPERTY PLACED IN SERVICE IN CALENDAR YEAR 2003, TO CLARIFY A LOSS YEAR, TO EXCLUDE TAXPAYERS WHOSE RATES OF RETURN ARE REGULATED ACCORDING TO FEDERAL OR STATE LAW, TO LIMIT PUBLIC DISCLOSURE OF TAX INFORMATION EXCHANGED BETWEEN THE STATE TAX COMMISSION AND COUNTY OFFICIALS AND TO PROVIDE FOR RECAPTURE OF THE PROPERTY TAX BENEFIT OF PROPERTY CEASING TO QUALIFY FOR THE INVESTMENT TAX CREDIT OR FOR THE ELECTION; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE FOR CERTAIN INFORMATION GIVEN TO COUNTY OFFICIALS BY THE STATE TAX COMMISSION TO BE EXEMPT FROM DISCLOSURE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 800
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-604, IDAHO CODE, TO REVISE CRITERIA AS TO HOW LAND CAN BE LAND ACTIVELY DEVOTED TO AGRICULTURE AND APPRAISED, ASSESSED AND TAXED AS AGRICULTURAL PROPERTY FOR PROPERTY TAX PURPOSES AND TO PROVIDE APPLICATION OF LEASE OR SALE OF HUNTING OR FISHING RIGHTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 801
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; DIRECTING REIMBURSEMENT OF DONATED FUNDS TO THE IDAHO HOSPITAL ASSOCIATION; REDUCING THE APPROPRIATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2004; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

HOUSE BILL NO. 802
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO SALARIES OF MEMBERS OF THE PUBLIC UTILITIES COMMISSION, THE STATE TAX COMMISSION AND THE INDUSTRIAL COMMISSION; AMENDING SECTION 61-215, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY OF MEMBERS OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE TAX COMMISSION; AND AMENDING SECTION 72-503, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE INDUSTRIAL COMMISSION.

HOUSE BILL NO. 803
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-5208, IDAHO CODE, TO PROVIDE THAT THE PREEXISTING CONDITION LIMITATION SHALL NOT APPLY TO CERTAIN INDIVIDUALS; AMENDING SECTION 41-5501, IDAHO CODE, TO FURTHER DEFINE "ELIGIBLE INDIVIDUAL" AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 41-5510, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE ELIGIBLE FOR HEALTH BENEFIT PLANS AND TO PROVIDE THAT CERTAIN LIMITATIONS AND REQUIREMENTS SHALL NOT APPLY IF SUCH PERSONS HAVE MAINTAINED CREDITABLE HEALTH INSURANCE COVERAGE FOR A SPECIFIED PERIOD OF TIME.

HOUSE BILL NO. 804
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE ROBERT R. LEE PROMISE SCHOLARSHIP; AMENDING SECTION 33-4305, IDAHO CODE, TO PROVIDE ADDITIONAL PURPOSES; AMENDING SECTION 33-4306, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4306A, IDAHO CODE, TO PROVIDE ELIGIBILITY CRITERIA FOR DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS, TO PROVIDE THAT DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS SHALL REMAIN DRUG, ALCOHOL AND TOBACCO FREE AND TO PROVIDE PROCEDURES; AND AMENDING SECTION 33-4307, IDAHO CODE, TO PROVIDE THE AMOUNT AND LENGTH OF THE AWARD FOR CATEGORY C STUDENTS AND DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS, TO PROVIDE FOR REPORTS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

H 799, H 800, H 801, H 802, H 803, and H 804 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1318 and **S 1288**, by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1303, **S 1304**, and **S 1333**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1311 and **S 1274**, by Transportation Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

S 1344, **S 1331**, and **S 1345**, by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

S 1385, **S 1386**, **S 1387**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, **S 1400**, **S 1401**, **S 1402**, and **S 1403**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 783, **H 784**, **H 785**, and **H 786**, by Appropriations Committee, were read the second time by title and filed for third reading.

H 748 and **HCR 49**, by Education Committee, were read the second time by title and filed for third reading.

SCR 122, by Health and Welfare Committee, was read the second time by title and filed for third reading.

SJM 108 and **S 1255**, by Education Committee, were read the second time by title and filed for third reading.

HCR 50, by State Affairs Committee, was read the second time by title and filed for third reading.

S 1210, **S 1221**, and **S 1237**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

S 1264, by State Affairs Committee, was read the second time by title and filed for third reading.

S 1381, by Finance Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mrs. Ringo asked unanimous consent that **H 713** be returned to the Education Committee. There being no objection, it was so ordered.

H 764 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Harwood to open debate.

The question being, "Shall **H 764** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McKague, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- McGeachin, Meyer, Moyle, Roberts, Schaefer, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 764** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 653 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Jones to open debate.

The question being, "Shall **H 653** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills. Total -- 63.

NAYS -- Barrett, McKague, Raybould, Wood. Total -- 4.

Absent and excused -- Moyle, Schaefer, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 653** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 678 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall **H 678** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Crow, Kulczyk, McKague, Moyle, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 678** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mrs. Ellsworth asked unanimous consent that **H 740** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

HJR 11 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Edmunson to open debate.

The question being, "Shall **HJR 11** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Lake, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills. Total -- 54.

NAYS -- Barrett, Bauer, Bayer, Crow, Eberle, Harwood, Kellogg, Kulczyk, Langford, McKague, Sali, Trail(Bennett), Wood. Total -- 13.

Absent and excused -- Moyle, Roberts, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, **HJR 11** passed the House. Title was approved and the resolution was ordered transmitted to the Senate.

H 531 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smylie to open debate.

The question being, "Shall **H 531** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 62.

NAYS -- Bedke, Eberle, Harwood, Kulczyk, Langford, McGeachin. Total -- 6.

Absent and excused -- Moyle, Mr. Speaker. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 531** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 671 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smylie to open debate.

The question being, "Shall **H 671** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 66.

NAYS -- None.

Absent and excused -- Campbell, Moyle, Smith(24), Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 671** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

S 1227 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Kellogg to open debate.

The question being, "Shall **S 1227** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Barraclough, Campbell, Crow, Field(23), Moyle, Nielsen, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1227** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1228 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

The question being, "Shall **S 1228** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Barraclough, Campbell, Crow, Field(23), Moyle, Nielsen, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1228** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1277 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Snodgrass to open debate.

The question being, "Shall **S 1277** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 62.

NAYS -- None.

Absent and excused -- Barraclough, Campbell, Crow, Field(23), Gagner, Moyle, Nielsen, Mr. Speaker. Total -- 8.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1277** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1252 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Clark to open debate.

The question being, "Shall **S 1252** pass?"

Roll call resulted as follows:

AYES -- Barrett, Bayer, Bell, Black, Boe, Bolz, Clark, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Ridinger, Ring, Ringo, Roberts, Robison, Sayler, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills. Total -- 48.

NAYS -- Bauer, Bedke, Block, Bradford, Cannon, Collins, Ellsworth, Lake, Langford, McGeachin, Raybould, Rydalch, Sali, Shirley, Wood. Total -- 15.

Absent and excused -- Andersen, Barraclough, Campbell, Moyle, Nielsen, Schaefer, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1252** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 753 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Kellogg to open debate.

The question being, "Shall **H 753** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Campbell, Moyle, Nielsen, Schaefer, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 753** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

S 1365 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

The question being, "Shall **S 1365** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail(Bennett), Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Barraclough, Campbell, Moyle, Nielsen, Schaefer, Snodgrass, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1365** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1377 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Bell to open debate.

The question being, "Shall **S 1377** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson,

Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail(Bennett), Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Campbell, Moyle, Nielsen, Snodgrass, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1377** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mrs. Ellsworth moved that the House recess until 1 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 1 p.m.

RECESS

Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Moyle, Stevenson. Total -- 2.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 603 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

Mr. Bolz asked unanimous consent that, pursuant to Rule 22, discussion of **S 1331** and **S 1344** be allowed in debate of **H 603**. There being no objection, it was so ordered.

The question being, "Shall **H 603** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bell, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Douglas, Edmunson, Eskridge, Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Snodgrass, Trail(Bennett), Wills. Total -- 53.

NAYS -- Bedke, Denney, Ellsworth, Field(18), Henbest, Kulczyk, Langhorst, Wood, Mr. Speaker. Total -- 9.

Absent and excused -- Barraclough, Black, Eberle, Moyle, Roberts, Shirley, Smylie, Stevenson. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 603** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 766 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 766** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Barraclough, Crow, Moyle, Smylie, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 766** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 767 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 767** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Moyle, Smylie, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 767** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10 a.m., Wednesday, March 3, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:34 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk